UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

United States of America,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	**Cause No. DR-14-CR-1769-(2)-CW**
	§	
Jorge Perez,	§	
	§	
Defendant.	§	

ORDER OF DETENTION PENDING TRIAL

In accordance with the *Bail Reform Act of 1984*, 18 U.S.C. § 3142 (f), a detention hearing was held on December 29, 2014. In light of an indictment filed on December 17, 2014, the Court finds that there is probable cause to believe Defendant committed the crime of which he stands accused, *i.e.,* aiding and abetting of illegal attempted exportation of munitions into Mexico in violation of 18 U.S.C. § 554. He is also charged as being a felon in possession of a firearm in violation of 18 U.S.C. § 922 (g)(1) & 924 (a)(2). Detention without bond is authorized in this case since the Court finds that Defendant poses a serious risk of flight. 18 U.S.C. § 3142(f)(2)(A). The following facts require the detention of Defendant without bond pending trial in this case.

I.
Finding of Fact

Credible information in the form of testimony from Special Agent Ed Doyle of the Federal Bureau of Investigations and the Pretrial Services Report establishes that Defendant poses a serious risk of flight and a danger to the community. Special

Agent Doyle testified that from April 14, 2014 through December 17, 2014, Defendant aided and abetted the attempted illegal exportation of four (4) assault rifles, twenty nine (29) rounds of ammunition, three (3) magazines, and one (1) rifle scope into Mexico from the United States as alleged in the indictment.

Special Agent Doyle made an in-court identification of Defendant.

Defendant's conduct was committed in the Western District of Texas.

According to the Pretrial Services Report, Defendant has an extensive criminal history including three (3) failure to appear charges.

This Court takes judicial notice that there have been well more than 70,000 drug and cartel related homicides in Mexico since 2006 when former President Calderon began his drug offensive. Credible ATF estimates are that the vast majority of these murders were committed with firearms and munitions exported from the United States. Thus, the Court concludes that Defendant's criminal activity, *i.e.,* exportation of munitions into Mexico, inherently constitutes a very real and serious danger.

Considering the above, the Court finds by clear and convincing evidence that Defendant is a danger to the community and that there is no condition or combination of conditions that will reasonably assure the safety of others. Furthermore, the Court finds by a preponderance of evidence that Defendant cannot be trusted to return to court or to comply with conditions of release. Thus, the Court concludes that there is no condition or combination of conditions that will reasonably assure Defendant's appearance in court as required.

Accordingly, the Court hereby **ORDERS** that Defendant be **DETAINED** without bond pending disposition of this cause.

II.
Direction Regarding Detention

Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practical, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of any Court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SIGNED and **ENTERED** on December 29, 2014.

COLLIS WHITE
UNITED STATES MAGISTRATE JUDGE